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U.S. DISTRICT COURT E.D.N.Y.

★ MAR 24 2010 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

----- x
Vincent Carmona, Tyrin Torres,

Plaintiffs,

-against-

THE CITY OF NEW YORK, PAULINA GONZALEZ
(SHIELD NO. 19030), JOHN DOE 1-4,

Defendants.
----- x

**STIPULATION OF
SETTLEMENT AND
ORDER OF DISMISSAL**

09 Civ. 4551 (ILG)(JO)

WHEREAS, plaintiffs commenced this action by filing a complaint on or about
October 22, 2009 alleging violations of their constitutional rights and common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs'
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiffs have authorized their counsel to settle this matter on the
terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and
without costs, expenses, or attorneys' fees except as provided for in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff Vincent
Carmona the sum of **Ten Thousand Dollars (\$10,000.00)** and to pay plaintiff Tyrin Torres the
sum of **Ten Thousand Dollars (\$10,000.00)** in full satisfaction of all claims, including claims

for costs, expenses and attorneys' fees. In consideration for the payment of these sums, plaintiffs agree to the dismissal of all claims against the named defendants, the City of New York and Police Officer Paulina Gonzalez, with prejudice, and to release all defendants, including the individuals named herein as "JOHN DOE 1-4" and any present or former officials, employees, representatives and agents of the City of New York, or any agency thereof, including but not limited to the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law, that were or could have been alleged in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and Affidavits of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.


6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
March 22, 2010

Robert Marinelli, Esq.
Attorney for Plaintiffs
Vincent Carmona and Tyrin Torres
305 Broadway, Suite 1400
New York, New York 10007
(212) 822-1427

By: 
ROBERT J. MARINELLI, ESQ.

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants City of New York
and Paulina Gonzalez
100 Church Street, Room 3-199
New York, New York 10007
(212) 788-1357

By: 
STEVEN J. AULETTA
Assistant Corporation Counsel

SO ORDERED: 

HONORABLE I. LEO GLASSER
UNITED STATES DISTRICT JUDGE



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March 22, 2010

BY ECF AND FAX

Honorable I Leo Glasser
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Vincent Carmona, et al. v. City of New York, et al.
09 CV 4551 (ILG)(JO)

Your Honor:

In furtherance of my letter of February 19, 2010, I write to inform the Court that the parties have reached a settlement and accordingly defendants respectfully submit the enclosed stipulation of settlement and order of dismissal, executed by counsel for both parties, for the Court's endorsement.

Respectfully submitted,

Steven J. Auletta
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Hon. James Orenstein, U.S.M.J. (by ECF)
Robert Marinelli, Esq., *attorney for plaintiffs* (by ECF)